

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

THOMAS SPIEWAK, #389037	§	
	§	
v.	§	CIVIL NO. 4:22-CV-813-SDJ-CAN
	§	
LVN KIMBERLEY, ET AL.	§	


**MEMORANDUM ADOPTING THE REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the Report and Recommendation of the United States Magistrate Judge (“Report”), this matter having been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On May 3, 2023, the Report of the Magistrate Judge, (Dkt. #8), was entered containing proposed findings of fact and recommendations that *pro se* Plaintiff Thomas Spiewak’s claims be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41 for failure to pay the filing fee in this cause and for failing to notify the Court of his current mailing address.

Having assessed the Report, and no objections thereto having been timely filed, the Court determines that the Magistrate Judge’s Report should be adopted.

It is therefore **ORDERED** that Plaintiff Thomas Spiewak’s claims are **DISMISSED WITHOUT PREJUDICE**.

**So ORDERED and SIGNED this 26th day of May, 2023.**

  
SEAN D. JORDAN  
UNITED STATES DISTRICT JUDGE